

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:07-CR-00049-06-JMM**

**REGINALD AKINS**

**ORDER**

Pending is Defendant's counsel's Motion to Withdraw as Counsel (Doc. No. 360).

Counsel was appointed to determine whether Defendant was entitled to a sentence reduction under 18 U.S.C. § 3582 based on the retroactive application of the United States Sentencing Commission's crack cocaine penalty guideline reduction (Amendment 750).

Only those persons currently serving a sentence determined or affected by a sentencing range calculated using the drug quantity table, U.S.S.G. § 2D1.1, are potentially eligible for a reduction. On August 12, 2008, Defendant was sentenced to 150 months in prison.<sup>1</sup> However, Defendant's base offense level and sentence were not determined based on the drug quantity table, but rather on his status as a "career offender" under U.S.S.G. § 4B1.1.<sup>2</sup> Therefore, the amended crack cocaine sentencing guidelines do not apply.

Accordingly, the Motion to Withdraw as Counsel (Doc. No. 369) is GRANTED.

IT IS SO ORDERED this 3rd day of January, 2012.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. Nos. 266, 268. Defendant's guideline range was 292-365 months, and he was sentenced below that range for reasons unrelated to the drug quantity table.

<sup>2</sup>See the United States Sentencing Commission's "Reader-Friendly" Version of the Final 2011 Guideline Amendment Implementing the Fair Sentencing Act, *available at* [http://www.ussc.gov/Meetings\\_and\\_Rulemaking/Materials\\_on\\_Federal\\_Cocaine\\_Offenses/20110428\\_RF\\_Amendments\\_Pages.pdf](http://www.ussc.gov/Meetings_and_Rulemaking/Materials_on_Federal_Cocaine_Offenses/20110428_RF_Amendments_Pages.pdf).